

**BEFORE THE CONTROL OFFICER OF THE  
MARICOPA COUNTY  
AIR QUALITY DEPARTMENT**

MCAQD Date Stamp

In the Matter of:

Hickman's Egg Ranch Inc  
6515 S Jackrabbit Trail  
Buckeye, Arizona 85326

Respondent

**ORDER OF ABATEMENT BY CONSENT**

OAC # **NV-017-16-RMS**

Permit #: 040136

**I. NOTIFICATION**

You are hereby notified that the Control Officer of the Maricopa County Air Quality Department has reasonable cause to believe that Hickman's Egg Ranch Inc operated in violation of Maricopa County Air Pollution Control Regulations (hereinafter "Regulation") adopted by the Maricopa County Board of Supervisors.

**II. JURISDICTION**

The Control Officer has jurisdiction over the subject matter of this action and is authorized to enter into this Order of Abatement by Consent ("Order") pursuant to A.R.S. § 49-511 and Regulation I, Rule 110, Section 301, Violation; Order of Abatement.

**III. FINDING OF VIOLATION**

- A. On **11/20/15**, Maricopa County Air Quality Department issued Notice of Violation **#735371**, pursuant to Regulation III **Rule 353 § 302.2a**: The cap shall have a securely attached, intact gasket.
- B. On **11/20/15**, Maricopa County Air Quality Department issued Notice of Violation **#735371**, pursuant to Regulation III **Rule 360 § 301.97 and Permit Condition 12d**: The Permittee shall operate and maintain each engine according to the manufacturer's written instructions, or procedures developed by the Permittee that are approved by the engine manufacturer, over the entire life of the engine.

- C. On **11/20/15**, Maricopa County Air Quality Department issued Notice of Violation **#735371**, pursuant to Regulation III **Rule 370 § 302.98 and Permit Condition 11c**: The Permittee shall comply with the maintenance schedule outlined in Permit Condition 11c.

#### IV. **TERMS AND CONDITIONS**

- A. Maricopa County Air Quality Department agrees not to pursue criminal or civil remedies authorized by A.R.S. § 49-502 and A.R.S. § 49-513 against Hickman's Egg Ranch Inc for violation(s) alleged in Section III of this Order. Maricopa County Air Quality Department agrees not to request the United States Environmental Protection Agency (hereinafter "EPA") to overfile on any violation(s) alleged in this Order. Maricopa County Air Quality Department also agrees not to request EPA to consider any other enforcement action under EPA authority for violation(s) alleged in this Order. In no way does this Order limit the authority of EPA to bring an action on any violation(s) alleged in this Order.
- B. In return, and without admitting to the violation(s) alleged in Section III of this Order, Hickman's Egg Ranch Inc agrees to pay Maricopa County Air Quality Department a total sum of **\$3,910.00**, due on or before **May 4, 2016**. Monetary payment received by Maricopa County Air Quality Department pursuant to this agreement shall be deposited in the Air Quality Fund. This payment may not be claimed as a deduction or other business expense on any form of tax return. Payment shall be made payable to the **Maricopa County Air Quality Department and submitted to the attention of Maricopa County Air Quality Department, Enforcement Section, 1001 North Central Avenue, Suite 900, Phoenix, Arizona 85004. Payment by credit card is also accepted.**
- C. Failure by Hickman's Egg Ranch Inc to make full and timely payment consented to herein shall subject Hickman's Egg Ranch Inc to pay interest assessed pursuant to A.R.S § 49-113(B). In the event that subsequent legal action is necessary to collect payment and interest required by this Order, Hickman's Egg Ranch Inc shall pay all additional enforcement expenses. These expenses shall include attorney's fees and the costs incurred by Maricopa County for the collection proceedings.

- D. Failure by Hickman's Egg Ranch Inc to make full and timely payment consented to herein may result in referral of the matter to a collections agency for further action and the reporting of the failure to pay to credit reporting services. In the event of referral to a collections agency Hickman's Egg Ranch Inc is responsible for all additional expenses related to the collections effort.
- E. Hickman's Egg Ranch Inc agrees to comply with the Regulations and/or permit conditions described in Section III of this Order.
- F. Maricopa County Air Quality Department agrees that payment in full by Hickman's Egg Ranch Inc of the total sum required by Paragraph B of this Section constitutes complete satisfaction to Maricopa County Air Quality Department that the violation(s) alleged in Section III of this Order were resolved appropriately.
- G. The Parties (as defined in Section V) agree that this Order resolves Notice of Violation #735371 issued to Hickman's Egg Ranch Inc by Maricopa County Air Quality Department.

**V. GENERAL PROVISIONS**

- A. Maricopa County Air Quality Department and Hickman's Egg Ranch Inc are the Parties to this Order.
- B. All communications with Maricopa County Air Quality Department, including submittals, plans, and other items arising from this Order, shall be directed to the attention of:

Reonsha Sullivan, Enforcement Officer  
Maricopa County Air Quality Department  
1001 N. Central Avenue, Suite 900  
Phoenix, Arizona 85004

- C. If any delay or anticipated delay in meeting the terms and conditions of this Order are caused by unforeseeable circumstances beyond the control of Hickman's Egg Ranch Inc and cannot be overcome by due diligence, the time for performance under this Order may be extended by written amendment to this Order for a period no longer than the delay resulting from such circumstances. Hickman's Egg Ranch Inc shall notify Maricopa County Air Quality Department in writing within five (5) calendar days after

the date that Hickman's Egg Ranch Inc first knew or reasonably should have known that such circumstances may or will cause a delay or anticipated delay. Economic factors shall not be considered sufficient cause for extension of deadlines established by this Order.

- D. The Parties to this Order promise to take all actions reasonably necessary to comply with the terms, conditions, and provisions of this Order.
- E. If, after the effective date of this Order (as defined in Section VI), any provision is held to be illegal, invalid or unenforceable under present or future laws effective during the duration of this Order, such provision shall be fully severable.
- F. This Order shall not be modified or amended except by written instrument signed by the Parties to this Order.
- G. The validity, construction, interpretation, and administration of this Order shall be governed by the laws of the State of Arizona. The Parties declare that there are no other written documents between them affecting this Order; and the Parties agree that this document is the exclusive statement of the terms and conditions of this Order.

**VI. APPEAL AND EFFECTIVE DA**

Hickman's Egg Ranch Inc hereby waives its right to appeal this Order under A.R.S. § 49-490. This Order shall be effective upon the latter date, if any, of signature by the Parties (the "Effective Date"). Signature by each party on any copy of this Order shall constitute signature of this Order for determining the Effective Date.

**VII. RELIEF**

Hickman's Egg Ranch Inc acknowledges that failure to comply with this Order may result in an action by Maricopa County Air Quality Department for criminal or civil penalties pursuant to A.R.S. § 49-502 and A.R.S. § 49-513, injunctive relief pursuant to A.R.S. § 49-512, and class 5 felony penalties for knowingly violating this Order pursuant to A.R.S. § 49-514.D.

**[SIGNATORIES ON THE FOLLOWING PAGE]**

**VIII. SIGNATORIES**

The undersigned representatives of Maricopa County Air Quality Department and Hickman's Egg Ranch Inc certify that they are authorized to enter into the terms and conditions of this Order and bind legally the Parties to this Order.

HICKMAN'S EGG RANCH INC

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

MARICOPA COUNTY AIR QUALITY DEPARTMENT

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

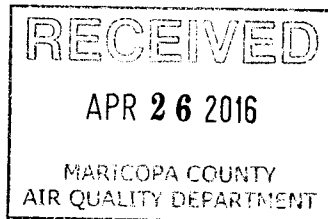
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_

Philip A. McNeely, Director

Date: \_\_\_\_\_



Maricopa County

Air Quality Department

1001 N Central Avenue

Phoenix, AZ 85004

602-506-6010

Cntr **317** 04/27/16-A 11:01am  
Guests 1 MM Table (STANDEE)  
Reference# 32742210317

1..NONTV/GP/Burn/ABS 3910.00  
| NV01716RMS-040136

Items 3910.00  
Tax .00

**TOTAL 3910.00**

**Check 3910.00**

1.98485

Check 317 PAID 11:01am ENV-W-1#1-A